

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES DRANE,

Petitioner,

v.

Civil No. 2:20-CV-10114

HONORABLE DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE

MIKE BROWN,

Respondent,

_____ /

**OPINION AND ORDER GRANTING RESPONDENT'S
MOTION FOR AN EXTENSION OF TIME TO FILE AN ANSWER**

Before the Court is Respondent's motion for an extension of time to file a responsive pleading to the petition for writ of habeas corpus. The motion is GRANTED.

A federal court has discretion in extending the time for a state to file a response to a habeas corpus petition. *See Whitfield v. Martin*, 157 F. Supp. 2d 758, 761 (E.D. Mich. 2001). Rule 4 of the Rules Governing Section 2254 cases gives a federal court discretion to take into account various factors such as the respondent's workload and availability of transcripts before determining the time when an answer must be made. *See Kramer v. Jenkins*, 108 F.R.D. 429, 432 (N.D. Ill. 1985). This Court finds that ninety days is a reasonable time in which to request a response in this case, taking into account the complexity of the petition,

the ability of the respondent to acquire the relevant documentary evidence, and the current caseload of the Attorney General's Office. *See Hudson v. Helman*, 948 F. Supp. 810, 811 (C.D. Ill. 1996).

IT IS HEREBY ORDERED that Respondent's Motion for An Extension of Time (ECF No. 13) is **GRANTED**. Respondent shall have **ninety (90) days** from the date of this order to file an answer to the petition for writ of habeas corpus and the Rule 5 materials.

s/Denise Page Hood
United States District Judge

DATED: December 29, 2022